

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADAM MICHAEL DAVIS,

Defendant.

4:14-CR-3019

ORDER

This matter is before the Court on the Defendant's Statement Regarding the Revised Presentence Investigation Report (RPSR) and Objection to the Court's Tentative Findings (filing 47). The Court understands the defendant to be moving for leave to litigate the issue of drug quantity at sentencing, leave to file a motion for variance out of time, and a continuance so that those matters can be fully briefed. So understood, the defendant's motion will be granted.

The Court notes that the defendant's filing also purports to object to the revised presentence report's calculation of drug quantity. However, the current filing does not explain the basis for the defendant's position. Accordingly, the Court will ask the parties to file separate statements, on or before the date set forth below, specifically advising the Court of the grounds for any disagreement with the drug quantity calculations contained in the revised presentence report. Any objection, and any motion for variance filed by the defendant, will be resolved at sentencing.

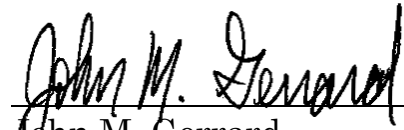
IT IS ORDERED:

1. The Defendant's Statement Regarding the Revised Presentence Investigation Report (RPSR) and Objection to the Court's Tentative Findings (filing 47), construed as a motion, is granted.
2. On or before September 17, 2014, the parties shall file revised sentencing statements setting forth their positions respecting any unresolved objections to the revised presentence report, including the specific nature of each objection to the revised presentence report.

3. On or before September 17, 2014, the defendant may file a motion for downward departure or variance from the sentencing guidelines.
4. Sentencing is continued to October 9, 2014, at 2:00 p.m. in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska, before the undersigned judge.

Dated this 10th day of September, 2014.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge